

## Debate heats up on fees for public lands

By: Scott Condon – June 19, 2013

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As the debate over fees on public lands heats up, a leading critic says her organization aims to tweak the fee system for visitors to Maroon Lake but not eliminate it.

Kitty Benzar, president of the Durango-based Western Slope No-fee Coalition, said the U.S. Forest Service fee in the Maroon Valley provides examples of how a fee can be applied both lawfully and effectively as well as how the agency allegedly finds loopholes.

Benzar testified Tuesday in Washington, D.C., at a hearing held by the U.S. House Subcommittee on Public Lands and Environmental Regulation. The hearing was on the federal legislation that authorizes the Forest Service and Bureau of Land Management to charge fees in specific cases. That legislation, the Federal Lands Recreation Enhancement Act, will expire next year.

“There’s legislation in the wind,” Benzar said. The federal agencies want the legislation renewed. Critics like she is want reforms that make it more clear than it is now when a fee can be charged.

Her goals are to prevent privatization of federal lands but also to limit the government’s fees for use of public lands. Benzar said a person shouldn’t have to pay to go on a walk in the woods. She was one of six expert witnesses offering testimony Tuesday. On the opposite end of the spectrum was a representative of the conservative Cato Institute. He advocated expanded fees for use of public lands, according to Benzar. That demonstrates the broad range of opinions lawmakers are hearing on the topic.

Benzar didn’t testify specifically about the Maroon Valley fee but laid out the position of the Western Slope No-fee Coalition in a separate interview after visiting the site.

“I’m not suggesting opening the road to all traffic all the time,” Benzar said. “I think the buses are a fantastic thing, and the (White River National Forest) has full authority to restrict travel to buses only when that’s justified as a resource-protection measure.”

The Federal Lands Recreation Enhancement Act — approved in 2004 for 10 years — allows fees for transportation services on federal lands, Benzar noted.

“So nothing about the bus system is illegal, and it also happens to be smart,” she said.

However, Benzar contends that the Forest Service is charging a fee in the Maroon Valley when it isn't allowed. The bus system is implemented between 9 a.m. and 5 p.m. during the heart of the summer, from mid-June into September. Private vehicles can drive to Maroon Lake before and after those hours, plus the shoulder seasons, for a \$10 fee.

Benzar said a person going backpacking or going for a day hike in the wilderness surrounding the Maroon Bells shouldn't have to pay the fee if they don't use the amenities at Maroon Lake.

"As long as they go in during the hours when the buses are not running, they should not have to pay because then they are paying solely for parking, which is prohibited by law," Benzar said.

Under the existing legislation, she contends that there should be free parking at the West and East Maroon portals to the wilderness and that the Forest Service shouldn't charge for people using overnight parking at Maroon Lake — as long as those people aren't using amenities.

The sites are used when people make the transition from vehicular traffic to foot or hoof traffic in the wilderness. They are passing through — not specifically visiting Maroon Lake and using the amenities, Benzar said. Therefore, they shouldn't be charged the fee, she said.

The Forest Service contends that the fee applies if the agency supplies amenities such as bathrooms, interpretative signs, picnic areas, camping or drinking water. Forest Service personnel shouldn't be responsible for policing the area to make sure everyone is paying when they should, according to agency representatives. Agency officials regularly butt heads with Benzar over interpretation of the law.

There is no indication yet of when the House Committee on Natural Resources will craft a bill on the Federal Lands Recreation Enhancement Act, let alone what it will look like. Rep. Scott Tipton, a Republican who represents Colorado's 3rd Congressional District, including Aspen, is a member of the committee as well as the Public Lands Subcommittee.